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| 09/770,633      | 01/29/2001  | Nils B. Lahr         | 39512A              | 6758             |

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EXAMINER

COFFY, EMMANUEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2157

DATE MAILED: 06/04/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,633

Applicant(s)

LAHR, NILS B.

Examiner

Emmanuel Coffy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the application filed on January 29, 2001. Claims 1-15 are pending. Claims 1-15 are directed to a method, computer program and apparatus for a "Method And Apparatus For Encoder-Based Distribution of Live Video and Other Streaming Content."
2. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/178,749, filed on 01/28/2000.

### ***Specification***

3. The disclosure is objected to because of the following informality: irrelevant information on page 1 at line 5: "Streaming Media Transparency" is abandoned. Appropriate correction is required.

### ***Claim Objections***

4. Claims 2, 3, 4, and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a dependent claim should further limit the claim dependent upon. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 directed to a method, and apparatus respectively are rejected under 35 USC 102(e) as being anticipated by Monteiro et al. (US 6,119,163).

Claim 1:

A method of preparing content for distribution in an Internet broadcast system for streaming media comprising the steps of: (See col. 4, lines 17-24).

obtaining content intended for distribution via broadcast; (See col. 3, lines 3-7).

repacketizing said content to generate a broadcast Internet Protocol stream, said stream comprising sequence numbers and time stamps for packets in said content; (See col. 1, lines 42-49 and lines 28-31, col. 6, lines 65-67).

storing stream information relating to said stream comprising at least one of identification of input source, destination, groups of devices selected to receive said stream, and stream identification; and (See col. 3, lines 3-10).

assigning said stream an Internet Protocol address and port in said broadcast system for transmission, said stream information allowing for monitoring recovery of said stream at said destination. (See col. 3, lines 64-66 and 51-54).

Claim 2:

Claim 2 recites the limitation wherein said repacketizing step comprises the step of wrapping said packets in said stream using real-time transport protocol. (See col. 4, lines 9-14).

Claim 3

Claim 3 recites the limitation further comprising the step of transmitting said stream using a real-time streaming protocol connection. (See col. 4, lines 11-14).

Claim 4:

Claim 4 recites a method as claimed in claim 1, wherein said obtaining step comprises the step of receiving content from different types of media players, and said repacketizing step comprises the step of wrapping packets from said media players using the same broadcast IP protocol. (See col. 4, lines 31-35 and col. 2, lines 17-21).

Claim 5:

It recites a method as claimed in claim 1, further comprising the step of transmitting said stream, said stream comprising said content and auxiliary information comprising information relating to codecs and bit rates used to generate said content and data to facilitate reception and identification of said stream when packets therein are received at a reception site. (See col. 5, lines 29-31, 1-3 and col. 3, lines 36-39).

Claim 6:

Claim 6 recites a method as claimed in claim 5, wherein said auxiliary information is updated during said stream. (See col. 5, lines 29-31 – Also see col. 1, lines 27-31).

Claim 7:

Claim 7 is for a method as claimed in claim 5, wherein a device for transmitting said stream and a device for receiving said stream communicate via a real-time streaming protocol connection, said transmitting step comprising the step of updating said auxiliary data during said connection. (See col. 4, lines 9-11 and col. 5, lines 31-36).

Claims 8-9 directed to a computer program product are rejected under 35 USC 102(e) as being anticipated by Gordon et al. (US 6,651,252).

Claim 8:

A computer program product for preparing content for distribution in an Internet broadcast system for streaming media comprising:

a computer-readable medium; (See col. 22, lines 58-63).

an encoding module stored on said computer-readable medium for receiving streams from different media players and wrapping packets in respective streams using a broadcast Internet Protocol common to all of said media players, said encoding module providing auxiliary information in each said stream that relates to that stream; (See col. 7, lines 24-27, col. 7, lines 14-16, col. 8, lines 61-64).

a reception control module stored on said computer-readable medium and being operable to store information relating to respective said streams to facilitate reception thereof; and (See col. 3, lines 2-5).

a transmission module stored on said computer-readable medium for commencing and terminating connections to transmit said streams via said Internet broadcast system and operating in conjunction with said reception control module to

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update said auxiliary information during said stream. (See col. 6, lines 20-22, 53-54, col. 5, lines 39-42).

Claim 9:

A computer program product as claimed in claim 8, wherein said encoding module, said reception control module and said transmission module are compiled in an encoder to allow said encoder to appear at a large number of locations in a network to other network devices. (See col. 22, lines 51-57).

Claims 12-15 directed to an apparatus are rejected under 35 USC 102(e) as being anticipated by Monteiro et al. (US 6,119,163).

Claim 12:

An apparatus for content distribution comprising:

a server; and (See col. 3, lines 11-14).

an encoding module operable with said server to encode packets to be output via said server into a selected format for transmission as a broadcast Internet Protocol stream. (See col. 2, lines 25-28 and col. 1, lines 42-48).

Claim 13:

Claim 13 recites an apparatus as claimed in claim 12, wherein said encoding module is operable to encode said packets corresponding to different streams being served via said server with header information to facilitate which of said packets belong to which of said streams during reception. (See col. 2, lines 25-27 and col. 3, lines 64-66).

Claim 14:

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Claim 14 recites An apparatus as claimed in claim 13, wherein said header information comprises at least one of bit rates used by said encoding module, audio channel information, video channel information, stereo reception, surround-sound reception, packet sequence numbers, time stamps relating to at least one of said packets and said streams. (See col. 5, lines 29-36 and col. 1, lines 27-31).

Claim 15:

Claim 15 recites an apparatus as claimed in claim 13, wherein receivers of said streams employ said header information for converting said broadcast Internet Protocol to another protocol, said header information being dynamically updated. (See col. 6, lines 65 through col. 7, lines 1-5 – Also see col. 1, lines 27-31).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gordon et al. (US 6,651,252) in view of Coley et al. (US 5,826,014).

Claims 10 and 11 recite the limitations of a computer program product wherein: a) said encoding module, said reception control module and said transmission module are compiled in an encoder to configure said encoder with a proxy for communicating with another device and b) said computer program product is implemented as a stand-alone



application provided at the output of an encoder to configure said encoder with a proxy for communicating with another device.

Gordon teaches a computer program product and the implementation of the encoder as software at col. 22, lines 58-64 and col. 7, lines 24-27. However, Gordon does not explicitly teach the concept of configuring the encoder with a proxy for communicating with another device. But, Coley does teach about proxy at col. 6, lines 4-20.

It would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the use of encoder as a stand-alone application taught by Gordon with the proxy configuration function disclosed by Coley.

The motivation is because TCP/IP and UDP/IP do not provide a great degree of security. Thus, incorporating a proxy with the encoder provides for a robust system.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gordon et al. (U.S. 6,481,012) teaches "Picture-In-Picture and Multiple Video Streams Using Slice-Based Encoding."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy  
Patent Examiner  
Art Unit 2157

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EC  
May 11, 2004

  
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